SPEECH

OF

HON. JAMES HARLAN, OF IOWA,

ON

THE AMENDMENT TO THE CONSTITUTION.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 6, 1864.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution proposing amendments to the Constitution of the United States, the pending question being on the amendment reported by the Committee on the Judiciary, Mr. HARLAN said:

Mr. PRESIDENT: The measure now pending proposes for the consideration of the several States an amendment to the Constitution of the United States, so as to prohibit slavery throughout their jurisdiction. Before it can become effective it must be passed by a two-thirds vote of each branch of Congress and receive the approval of the Legislatures of three fourths of the States. An objection to its adoption on constitutional grounds cannot, I think, be sustained, for the Constitution itself contains a provision for its amendment in this mode.

Nor can the objection urged from the other side of the Chamber, that a majority of the people of several of the States are in rebellion, and not in a condition to consider this proposition, be made available, for it is not contemplated, by the passage of this bill to exclude them from the estimate.

There are thirty-five States now in the Union, including those a majority of whose people are still in open rebellion against the Government. It is expected that three more may be introduced during the coming year, making thirty-eight in all. Three fourths of thirty-eight, omitting fractions, would be twenty-nine. There are now twenty-five States represented in Congress. Including the three new States that probably will be introduced, as above stated, and we shall have twenty-eight, and we learn that the States of Arkansas, Louisiana, and Tennessee are preparing to resume the seats that their Senators and Representatives vacated two or three years since, giving us thirty-one States in all, two more than would be necessrry to secure a constitutional majority of all the States, counting those that have rebelled. Others may also resume their accustomed places in time to vote on this proposition; in fact, all may do so if they so decide. But if any should not they would have no just right to complain; for such as might dissent agreed in entering the Union to abide by such amendments as three fourths of the States should desire, notwithstanding the objections of a minority not greater than one fourth.

Nor could these States be permitted to regard an amendment adopted in this mode void, on account of a disability to consider the proposition, occasioned by their own rebellion, for it is a settled principle of law that no one has a right to plead or take advantage of his own wrong. And if not, he may not plead a disability growing out of his own wrong. And it is contemplated that all shall be counted as opposing the amendment who do not vote for it. If any of the disabled States would, if the disability did not exist, support the measure, they could not complain of its adoption, and if they contemplated voting against it, and are counted against it, they would have no cause of complaint. Then, as it seems to me an argument of the constitutionality of this measure would be misapplied. The simple question presented for consideration is, the propriety of the policy suggested by the amendment contained in the joint resolution, and it is on that question that I propose briefly to address the Senate.

Ought the Constitution of the United States to be so amended as to prevent the existence of slavery in all the States of the Union?

It is insisted from some quarters, and has been suggested in discussion here, that any provision of a Constitution interfering with the rights of individual members of the community to private property should be rejected; that the right to property does not originate in the Constitution or laws, that it existed preceding the organization of society, and that the great object of the organization of society must have been to protect, among other things, the right of the individual to his private possessions. And I admit the truth of this proposition. I have attempted

to defend it, both in and out of the Senate. I do not believe it would be good policy for the people of any State or nation to incorporate a provision in their fundamental law abrogating the private rights of individuals. Concede the power to do so, I think the policy would be wrong. Hence I proceed to inquire into the nature of the title to the kind of property which would be affected by the adoption of the amendment proposed in the joint resolution—the foundation on which the claim to property in the service of others as slaves is based.

It is maintained, I believe, by all writers on elementary law that property was originally the gift of God; that the title of the individual to property originates in the labor and skill and toil which he uses in reducing it to possession and in enhancing its value after it may have been rightfully acquired; that each member of society has the right to go to the common store-house of ocean, field or forest, and draw supplies; that all may enjoy this right alike, but that when any individual member of society shall, by the application of labor and skill, acquire the possession of any of the products of the sea, fields, forest, or air, so much as has been thus rightfully reduced to possession becomes his personal private property. It is also conceded, I think, by all that the increased value of those possessions growing out of the application of labor or skill on the part of the possessor, belongs to the person who has applied the labor. As well may we deny the right of the Almighty to the workmanship of His hands, as the subordinate right of the creature to the products of his labor, for what better right can there be to property than the right of the creator to the thing which he has made? If the individual then, has by his labor or skill created an additional value to the thing rightfully possessed, his title ought to be considered absolute.

Now, Mr. President, this principle may be applied to the title or right of individuals to the service of another, whether claimed under an express or an implied contract. That property may exist in the services of others will hardly be seriously questioned. The right of property in man, as such, is sometimes denied, but I think this is rather a technical than a real objection. I think all admit that title to the service of men may be acquired by contracts both express and implied. It is certainly so with the title of the parent to the services of his children during the years of their minority. All people, savage, civilized, and enlightened, admit that the parent may rightfully control the services of his own offspring for a given period; he may apply their labor for his own benefit, or he may contract for its performance for the benefit of another. But it is universally admitted that this right of the parent to control the services of his child grows out of the application of labor and skill and means on his part in providing food, raiment, shelter, and instruction for the child during the years of the child's helplessness, and that having received this bounty from the parent the child is under obligations to return an equivalent; he is under obligations to serve the father and the mother until he shall have restored to them an equivalent for the labor and means that they have applied for his welfare during the period of his inability to serve and protect himself. In this country it is supposed that this obligation is discharged by the offspring in from eighteen to twenty-one years from the date of birth. I think in no civilized country is the period of minority extended beyond the age of twenty-five years. When this obligation shall have been discharged by the child and the period of his minority shall have been terminated, the reason for the obligation ceasing, the child acquires a right to control his own labor.

The same principle, I think, is involved in the title of the community to the service of paupers and vagrants. Having provided him with shelter, food, raiment, and protection, the community acquires a right, a just title to the service of the pauper or the vagrant until it shall have received in return a just equivalent for the means thus applied for his benefit.

The same principle is involved in express contracts. It is held, I believe, by all jurists that a contract without consideration is void; or at least it is voidable on proving the absence or failure of consideration. Then there is no difference in principle between an express and an implied contract; nor between a contract for service to be performed and money to be paid; their validity depends on the existence of a consideration.

This leads me to inquire for the origin of the title of the slaveholder to the services of the slave. Whence did it originate? What has he done for his slaves that places them under obligations to serve him? If you press this question he will say that he bought his slave. Well, of whom did he buy him, and what title had the vendor to the property sold? He bought him of another, and so back in the chain of title until finally you will be told that he conquered him on the battle-field; he was a captive in war; and the conqueror on the battle-field acquired the right to control the vanquished, the prisoner; and according to the usage of civilized nations this right would continue until the prisoner thus captured is fairly exchanged, or until the end of the war, when the prisoner would have to abide the conditions of the terms of peace.

Now I will suppose that the prisoners thus captured are never exchanged; that no terms are ever agreed upon; that the war never ends, or that in settling the conditions of peace the freedom of the prisoner is not included; and then it will follow that the title of the victor to the vanquished would continue during his natural life; but the captor could not, on any principles of justice with which we are acquainted, extend his claim beyond this period. And if not, whence his title to the services of the captive's offspring, from generation to generation? According to our ideas of justice, it would be wrong to punish a child for the crimes of his father; it would be very cruel to visit on the offspring the misfortune of the parent. We are told by the divine writer that the saying should

no longer be maintained in Israel that the fathers have eaten sour grapes and that the children's teeth are set on edge. Whence, then, the origin of the slaveholder's title to the services of the slave's children? Here is the only answer that can be given: *Partus sequitur ventrem.* This is the whole title, the title deed on which he must rely: the offspring follows the condition of the mother.

But why is the offspring required to follow the condition of the parent? is the question at issue. On what reason is this claim founded? To assert the existence of the custom, in law Latin, is not an answer to the inquiry. Finding the allegation in the Latin tongue, or in the old Roman code, may be satisfactory proof of the existence of the custom of enslaving the children of slave mothers among the old nations. As a historical fact this may be admitted. It may be admitted that this custom has been handed down to the Christian era, and to the present times, and is even now maintained in some of the States of the Union. But this does not answer the question as to the origin of the title, the reason by which it is supported, or the justice of the claim. For polygamy has had an equal antiquity; it, too, existed among the old nations, including the Hebrews, who lived under a theocracy, and it too has been handed down from them to the new era and has been tolerated by some of the nations to the present hour, and until within two or three years last past was tolerated by the local laws of a Territory within the jurisdiction of the United States. If antiquity justified the one does it not equally justify the other?

But again, sir, the immolation of human victims and their sacrifice to idols made of stocks and stones and beasts and creeping things and imaginary deities, representing the basest passions known to the human mind, had great antiquity; that custom, too, has been tolerated from the beginning of history down to the present moment. If antiquity of a custom justifies it, is not this abomination as equally well sustained as slavery?

At a very early period, we are informed in history, men ate the flesh of those whom they vanquished in battle; and even that loathsome custom now exists in some of the populous islands of the southern seas. If antiquity of the custom justifies the enslavement of the children of the slave mother does it not equally well justify this horrible custom also?

But it may be said that the slave mother, owing all the service which she can reasonably perform to her master, can have no time or means to apply in the support of her own offspring, and therefore whatever of labor or means may be applied by her in providing for her children belongs to the owner of the mother, so that the offspring in that case would not owe service in return to the mother, but to the mother's owner. Admit this to be true, and it will follow that the owner of the slave mother will acquire as good a title to the services of the children as the mother herself otherwise would have held had she not been a slave, and no better title. But we have seen a moment since that her title cannot reach beyond the period of the child's minority. Just so soon as the child shall have returned to the mother an equivalent for the care and labor applied by her in the support of the child during the years of its helplessness, her title ceases. Then if the owner of a slave mother takes the same title, and no more, the slavery of the children of a slave mother cannot justly extend beyond the period of the child's minority. Then I inquire whence the claim of title to the services of the child of a slave mother after the period of its minority; after it shall have paid the cost of its keeping during the years of its helpless infancy?

To say that slaveholders treat their slaves well is no sufficient answer. This may or may not be true, with indifference.

I suppose that in point of fact a good man becoming the owner of slaves would treat them well; but a bad man would treat them ill, and the slaves have no redress. The question, however, is not a question of treatment; it is a question of title. I inquire whence the origin of the title of the slaveholder to the offspring of a slave mother after the period of its minority?

To say that the slave is black or colored is no sufficient answer. This may or may not be true, with perfect indifference; and where this law Latin, *Partus sequitur ventrem* originated, a majority of the slaves were, in fact, white. Slaves at Rome were not usually colored men of African origin. They were indifferently those whom the Romans conquered in battle and compelled to pass under the yoke. Color at Rome was not even a badge of degradation. It had no application to the question of slavery. A very large majority of the slaves that have existed during the past ages have been either Asiatics or of Caucasian origin.

It cannot be claimed that the superiority of the owner of a slave is a sufficient answer; for here, too, the owner may or may not be the superior of the slave whose services he claims without affecting the question at issue. It is not a question of equality or inequality between the party claiming and the party supposed to owe service. The question is one of right, not of relative excellence. If it were a claim for a debt, payable in coin or lands, and not in labor, who would be so crazy as to allege the superiority of the plaintiff in native endowments and acquirements to the defendant? Would he not plead and prove title, or valuable consideration rendered, and there rest? So it must be in the enforcement of a just claim for services.

Nor is it a sufficient answer to say that the slave belongs to a pauper race, that he requires the guardianship of some one else to protect him from ill. This, too, may be true or not true, with perfect indifference. The question is not whether those that are held to be slaves in this country have the capacity to provide for their own wants unaided by others. The question is a question of title to the services of the adult children of a slave-mother.

In fact, this incapacity does not exist. The allegation is refuted by the condition of this class of people around us here in this district in sight

of the Capitol. There are here probably fifteen or twenty thousand free colored people providing for their own wants, providing for themselves food and raiment and shelter, sustaining their own schools and their own churches, paying their own medical bills, and burying their own dead. There are in Maryland to-day probably beteen eighty and one hundred thousand of these free colored people in a like condition, not dependent upon the white race for their support or guidance as guardians. There are in the free States probably to-day between five hundred thousand and a million of free colored people in a like condition, providing for their own wants in every respect, a very small percentage of them being paupers or vagrants, or in any way dependent on the support of the white race.

But again, sir, the churches a few years since planted a colony of Africans at Liberia, on the African coast. That colony gradually grew and expanded, increased in numbers and strength and wealth, until it was organized as a distinct and perfect civil government, with its executive, its legislature, and its judiciary, since which it has been increasing still more rapidly and subjugating and bringing within its control the territory of the tribes which surround it, just as our fathers orignally subjugated the continent on which we live. This State thus organized, has grown in importance until its existance as an independent State has been acknowledged by the great nations of the world, including the United States.

In the face of these facts, is it proper for an American Senator to assert as a reason for the continuation of slavery in this country that these people are incapable of providing for their own wants? The allegation is refuted by the condition of multiplied thousands of colored men right around the steps of the Capitol. It is refuted by the condition of tens of thousands of colored people in the State of Maryland, of which this District was originally a part. It is refuted by the existing condition of between half a million and a million of this class of people in the free States of the North. It is refuted by the present condition of an independent nation on the shores of Africa.

But, Mr. President, if the allegation were true in fact, it does not give title to the claimant to the services of the adult offspring of a slave, nor does it impose on the claimant or master as an individual any obligation which does not attach to every other humane member of the community to provide for the slave's necessities, or to become the voluntary guardian of his person or property. The question of capacity is a question for the community to decide, and not for the creditor who claims the services of the adult slave as a debtor. Whether the party be *compos* or *non compos* is a question fit for a judicial tribunal to settle. If settled against the slave, a guardian should be appointed for his person and property, just as is done when the party thus found to be *non compos* belongs to a different race. And here I may be pardoned for diverting far enough from the train of my argument to state that I do not apprehend any interruption in society which could possibly flow from the immediate liberation of all the slaves in the United States. A vast majority of them are capable of taking care of themselves. It is a fact that needs no proof. They have demonstrated it before the eyes of every member of Congress, of every citizen of this District, of every inhabitant of the free States, of every soldier and officer of the great armies of the republic, serving in the slave Districts, and of the people of the slave States. This fact has long since been demonstrated to the satisfaction of the great nations of the world, who have accordingly abolished slavery within their several dominions.

But if this were not true, if any considerable portion of them would probably become paupers or vagrants, society can protect itself from danger from this source by applying to them the same laws which are applied to paupers and vagrants of the white race. There is not in the Union probably a single State that has not at this time well-digested laws on the subject, making it the duty of the appropriate judical officers to try the question of incapacity and vagrancy whenever it arises, and when found to be necessary, to appoint guardians, requiring bond and approved security for the faithful execution of the trust, to secure the application of the proceeds of the pauper or vagrant's labor for the promotion of his welfare or the support of those legally dependent on him for support. This could not possibly occasion any shock to society, or endanger its peace and prosperity. All will be made secure by applying to paupers and vagrants of African descent the same principles and laws now in force and applied in every State of the Union to paupers and vagrants of Caucasian origin. All that can be nesessary will be the application of just laws precisely as these laws are applied to members of the white race.

If then there is no sufficient title to the service of the adult children of a slave mother growing out of the considerasions cited, I repeat the inquiry again, whence the origin of the title; on what sufficient reason is it based?

It is not found at common law. This is admitted by all jurists, all elementary writers on the subject. I will not consume the time of the Senate with the argument of this proposition. This is deemed useless where the authorities are uniform. I will content myself with making two or three citations only.

In giving the opinion of the Court of King's Bench in Sommersett's case Lord Mansfield said:

"The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time itself, from whence it was created, is erased from the memory; it is of a nature that nothing can be suffered to support it but positive law."

In the Dred Scott case, Mr. Justice McLean said:

"For near a century the decision in Sommersett's case has remained the law of England. The case of the slave

Grace, decided by Lord Stowell in 1827, does not, as has been supposed, overrule the judgment of Lord Mansfield. Lord Stowell held that, during the residence of the slave in England, 'no dominion, authority, or coercion can be exercised over him.'" * * * *

"There is no other description of property which was not protected in England, brought from one of its slave islands. Does not this show that property in a human being does not arise from nature or from the common law, but, in the language of this court, 'it is a mere municipal regulation, founded upon and limited to the range of the territorial laws?' This decision is not a mere argument, but it is the end of the law, in regard to the extent of slavery. Until it shall be overtuned, it is not a point for argument. It is obligatory on myself and my brethren and on all judicial tribunals over which this court exercises an appellate power."

And Mr. Justice Curtis, in the same case, said:

"Slavery, being contrary to natural right, is created only by municipal law. This is not only plain in itself, and agreed by all writers on the subject, but it is inferable from the Constitution, and has been explicitly declared by this court. The Constitution refers to slaves as 'persons held to service in one State under the laws thereof.' Nothing can more clearly describe a status created by municipal law."

In Prigg *vs.* Pennsylvania, (10 Pet., 611) this court said:

"The state of slavery is deemed to be a mere municipal regulation, founded on and limited to the range of territorial laws." * * * * * * *

"But we view this as a right existing by positive law of a municipal character, without foundation in the law of nature or the unwritten common law."

Justice Curtis remarks, after citing a list of authorities on this point:

"I am acquainted with no case or writer questioning the correctness of this doctrine."

The opinions of the courts of England and of this country, State and national, in the slave States as well as the free States, seem to have been uniform throughout. It is not a legal or judicial question, therefore, to be settled by the weight of authorities, but it is maintained by all alike. Hence slavery cannot have any support at common law.

I inquire in the next place if it has a legal existence by virtue of any municipal or statute regulation? On that point I will content myself by reading from a speech delivered in 1850 on the floor of the Senate by Mr. Mason, of Virginia, then a member of this body, in reply to a speech made by Mr. Dayton, then a Senator from the State of New Jersey, when the bill to enact the fugutive slave law of 1850 was before the Senate. Mr. Mason said:

"Then, again, it is proposed as part of the proof to be adduced at the hearing after the fugutive has been recaptured, that evidence shall be brought by the claimant to show that slavery is established in the State from which the fugutive has absconded." * * "Such proof is required in the Senator's amendment; and if he means by this that proof shall be brought that slavery is established by existing laws, it is impossible to comply with the requisition, for *no such proof can be produced*, I apprehend, *in any of the slave States.* I am not aware that there is *a single State in which the institution is established by law.*"—*Cong. Globe. vol.* 22, *part* 2, *page* 1,584, *thirty-first Cougress, first session.*

If it does not and cannot exist at common law and does not exist by virtue of any municipal or statute law, and cannot be justified by human reason, pray whence the origin of the title of the master to the services of the adult offspring of a slave mother? The only remaining law that can be cited for its support is the Levitical code.—This code is sometimes cited for this purpose. These are the words usually quoted:

"Both thy bondmen and thy bondmaids which thou shall have shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids.

"Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land, and they shall be your possession

"And ye shall take them as an inheritance for your children after you to inherit them for a possession; they shall be your bondmen forever."—(See Levit. 6, 44, 45, and 46.)

This declaration of the Divine Law, if it stood alone would need explanation. But this is not the whole of the code bearing on the subject. The civil code contains a provision for the naturalization of foreigners, embracing all those who were "born" among the Hebrews, and those who were "bought with money of any stranger, not of" their "seed": only those who refused to conform to the requirements of this law were to be "cut off" from the rights of the Hebrew people.—[See Gen. XVII, 10 to 14.]

All naturalized foreigners, and native heathens, whether bond or free, acquired among the Hebrews, as naturalized foreigners do here, in the United States, all the rights, privileges and immunities of citizenship. Thenceforward they were treated as native Hebrews.

The Hebrew slave code applicable to enlsaved Hebrews is in these words:

"And if thy brother, an Hebrew man, or an Hebrew woman, be sold unto thee, and serve thee six years, then in the seventh year thou shalt let him go free from thee."

Here I request the attention of those who claim compensation for emancipated slaves to the text:

"And when thou sendest him out free from thee, thou shalt not let him go away empty:

"Thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy winepress: of that wherewith the Lord thy God hath blessed thee thou shalt give unto him." * * * * *

"It shall not seem hard unto thee, when thou sendest him away free from thee; for he hath been worth a double hired servant *to thee*, in serving thee six years." (See Dent. XV. 12, 13, 14, 18.)

These Hebrew statutes provided that the heathen might be purchased and held as slaves, and their posterity after them; that under their naturalization laws all strangers and sojurners, bond and free, have the privilege of acquiring the rights of citizenship; that all Hebrews, natives or naturalized, might assert and maintain their right to freedom.

At the end of six years a Hebrew slave thus demanding his liberty was not to be sent away empty; the owner, so far from claiming compensation from his neighbors or from the public treasury for setting him free, was bound to divide with the freedman of his own possessions, to give him of his flocks, of his herds, of his granary, and of his winepress, of everything with which the Lord Almighty had blessed the master during the years of his servitude; and then the owner was admonished that he was not to regard it as a hardship to be required to

liberate the slave, and to divide with him of his subsistance. The Almighty places the liberated slave's claim to a division of his former master's property on the eternal principles of justice, the duty to render an equivalent for an equivalent. The slave having served six years must be paid for his service, must be paid liberally because he had been worth even more than a hired servant during the period of his enslavement.

Mr. SAULSBURY. Will the Senator from Iowa allow me in this connection to ask him a question? What interpretation does he give to that passage of Scripture in which the Jews are authorized to buy servants of the heathen round about, with their money, and that they should become an inheritance to their children?

Mr. HARLAN. I think the Senator has been absent from his seat. I have this moment passed over that point. I would prefer not to restate it now.

Mr. SAULSBURY. I did not hear the Senator allude to that. I do not wish to interrupt him.

Mr. HARLAN. If the justice of this claim cannot be found either in reason, natural justice, or the principles of the common law, or in any positive municipal or statute regulation of any State, or in the Hebrew code written by the finger of God protrued from the flame of fire on the summit of Sinai, or in the principles of the teachings of the Saviour, I ask whence the origin of the title to the services of the adult offspring of the slave-mother? Or is it not manifest that there is no just title? Is it not a mere usurpation without any known mode of justification, under any existing code of laws, human or divine?

If it cannot be thus justified, is it a desirable institution? If the supposed owner has no title, is it the duty of the nation to maintain the usurped claim of the master to the services of his slaves? Conceding that the slaveholder has no sufficient title to the services of his slaves, I inquire whether the necessary incidents and peculiar characteristics of slavery are sufficiently desirable to justify its continuance?

It necessarily abolishes the conjugal relation. This, I apprehend, needs no argument for its support on the floor of the Senate. We have the result of the accumulated experience and wisdom of the people of the slave States for a period of three fourths of a century before us in the character of their laws. Here may be found the culmination of their wisdom, the fruits of their ripened judgment.

The honorable Senator from Maryland, [Mr. JOHNSON,] a few days since, when discussing this subject, stated that in none of the slave States was this relation tolerated in opposition to the will of the slave-owner; and that in many of them, I think he said a majority of them, it was prohibited absolutely by their statute laws. This, then, is the matured, ripened opinion of the people of those States. In their opinion the prohibition of the conjugal relation is a necessary incident of slavery, and that slavery cannot or would not be maintained in the absence of such a regulation.

The existence of this institution, therefore, requires the enforcement of a law that annuls the law of God establishing the relation of husband and wife, which is taught by some of the churches to be a sacrament as holy in its nature and its design as the eucharist itself. And it is regarded by all virtuous and enlightened men all over the earth as a sacred relation, necessary to secure the happiness of man and the welfare of civil society, and which should be carefully guarded and protected by penal laws of the greatest stringency, punishing those who violate its sanctity as common felons. And yet this holy ordinance, instituted by the Author of our being, deemed to be necessary for the preservation of virtue in civil society, is absolutely inhibited by the statute laws of the States tolerating slavery. The conjugal relation is abrogated among four million human beings, who are thus driven to heterogeneous intercourse like the beasts of the field, the most of whom are natives of these Christian States. If you tolerate slavery you must tolerate this necessary incident of its existence.

It practically abolishes the parental relation, necessarily depriving the children of the tender care and faithful protection, and patient instruction of that guardianship instituted by the common Father of the human family. So tender and all-pervading is the love of the parent for his children, that the inspired writers always refer to it to illustrate Divine affection for the subjects of redeeming grace. And yet, according to the matured judgment of these slave States, this guardianship of the parent over his own children must be abrogated to secure the perpetuity of slavery.

It necessarily abolishes the relation of person to property. It declares the slave to be incapable of acquiring and holding property, and extends this disability to his offspring from generation to generation throughout the coming ages. We sometimes weep over the misfortunes of men, and when by flood or storm or fire or sword they are deprived of their earthly possessions contributions are made for their relief. But the Senator who votes to perpetuate slavery, votes not only to sweep away every shred of property from four millions of people in the United States, but he votes to destroy their capacity to acquire and hold it and to impose this disability on their posterity forever. If successful in perpetuating it he becomes more disastrous to this multitude of people than storm and flood and fire and sword, more disastrous than the unchained pestilence, the blast of the sirocco, or the monsoon of the desert.

But it also necessarily, as an incident of its continuance, deprives all those held to be slaves of a status in court. Having no rights to maintain and no legal wrongs to redress, they are necessarily excluded from the courts, and deprived of the opportunity to complain of wrong or cruelty before impartial tribunals of justice. Let the deprivation or anguish or excruciating torment be as it may—the offspring of unbridled greed or lust or hate, the victim can have no voice in court.

It denies its victims the right to mental culture—makes it a felony to teach them to read and write—thus dooming them and their posterity to abject and unending ignorance.

And then as a climax to its robbery and wrongs it denies them the right to receive the sympathies of mankind. Senators are jeered by brother Senators representing slave States for expressions of sympathy for the oppressed, as if it were a censurable weakness or a crime to manifest compassion for the degraded sons of toil. On yesterday even the learned Senator from Maryland in his able argument in favor of this measure, denounced what he was pleased to style "misjudging philanthropy in one section and a traitorous purpose in another" to destroy the Union, in the same breath, as if manifestations of philanthropy for an oppressed and down-trodden race, were equally guilty with treason against the Government.

It is right and praiseworthy to sympathize with and to relieve the unfortunate, the oppressed, and even the degraded of every other class; to appoint guardians and provide schools for orphan children; to provide asylums for the idiotic and feeble minded—for the instruction of the deaf and dumb and blind—and for the treatment of the insane; to provide homes for the indigent; to provide houses of refuge for the abandoned; to send Christian teachers to the Hotentot and the Bushman in Africa—and the Cannibal in the Islands of the South Seas; to provide libraries and comforts for convicted felons in your criminal prisons; and to pour out the nation's treasure by the million for the advancement of the savage tribes on your borders. These are worthy of praise. These are the triumphant fruits of a Christian civilization. This is doing "unto others as ye would that others should do unto you." How then can it be an offence to sympathize with a class of our fellow-men in the bosom of these Christian States, whose degradation is still more intense, and whose future, unless protection come by law, is unrelieved by a single ray of hope.

Its perpetuity necessarily requires the suppression of freedom of speech and of the press. Slavery cannot continue where its merits can be discussed. Hence, in all the slave States, the discussion of this subject, if not prohibited by law, is suppressed summarily without law or the forms of justice.

Surely none of these incidents and necessary consequences of slavery are desirable. And if not, how can an American Senator lift his voice for its continuance, or withhold a vote necessary for its prohibition.

Nor would such a vote be just cause of complaint by the loyal slaveholder himself, considered in the light of his personal interests. A careful examination of this subject, as it seems to me, proves beyond all reasonable doubt that a change of their system of labor from compulsory to involuntary, would not diminish but would augment their prosperity and wealth. It would not diminish the productiveness, nor increase the cost of labor, and would enhance the value of real estate, and tend to develop vast natural resources now entirely neglected.

The success of this measure would increase the military strength of the nation, by furnishing the means to fill up our wasting armies, and the crews of our ships of war. It would promote harmony and unity of purpose at home, and secure the sympathy and support of the great nations in the Old World. It would remove the original cause of political agitation, the pretext for the rebellion, and thus hasten the return of peace.

If I am right in my conclusions:

1. That this proposition to prohibit slavery by an amendment of the Constitution, is constitutional,

2. That the claim of title to the unpaid services of slaves as enforced in this country cannot be justified by human reason,

3. That it cannot be justified on the ground of the supposed differences of races,

(*a.*) That whether such differences in relative capacity exist or not, the emancipated slaves and society can be fully protected and provided for by the enforcement of just laws, now in existence in every State of the Union,

4. That this claim of title cannot be sustained by the principles of the common law,

5. That it does not originate in any positive municipal or statute law of any State of the Union,

6. That it is not sustained by the Divine law delivered to the Hebrews, or as illustrated by the teachings of the Saviour,

7. That the necessary incidents of slavery, as illustrated by the laws and usages of the slave States, are not desirable,

8. That the prohibition of slavery would not inflict real and permanent loss on the slave holder himself,

9. That its prohibition would increase the military strength of the nation, and hasten the return of peace.

The Senate, the House, and the people of the several States ought not to hesitate to adopt effective measures for its perpetual prohibition.

Printed by L. Towers & Co., corner of Louisiana Avenue and Sixth street, Washington City.